

Customer No. 27061

Patent

Attorney Docket No. GEMS8081.024; GEMS8081.027; GEMS8081.028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Hettfleisch-Wenzel et al.	Singh et al.	Singh et al.
Serial No.	:	09/468,403	09/710,543	09/468,752
Filed	:	December 20, 1999	November 9, 2000	December 21, 1999
For	:	Method and Apparatus for Screening Potential Customers for Transactions Across a Global Computer Network	A Method of Designing an Electronic Transaction System	Method and Apparatus for Screening a Potential Customer and Assigning an Account Number to the Potential Customer Across a Global Computer Network
Group Art No.	:	3627	3627	3627
Examiner	:	Andrew J. Rudy	Andrew J. Rudy	Andrew J. Rudy

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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37 CFR 1.8(a)

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Date: April 6, 2006

Jessica A. Calanay
Signature

Commissioner for Patents
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PETITION TO GROUP DIRECTOR TO REQUEST EXAMINER REASSIGNMENT

Dear Sir:

Applicant respectfully requests reassignment of the above referenced cases due to delay, action, and inadequate Examination. Each of the above referenced files are currently assigned to Mr. Andrew J. Rudy.

Docketed by: dje
Date: 4-7-06

A copy of the Transaction History for each file is attached.

09/468,752 (GEMS8081.028)

In this case, Applicant originally submitted its Appeal Brief on May 5, 2003 and an Amended Appeal Brief on July 7, 2003. The Examiner issued an action of September 16, 2003, and Applicant submitted a Supplemental Appeal Brief and Petition Seeking Supervisory Review on December 16, 2003. That Petition was denied on May 24, 2004, and the Examiner has taken no action on the case since. Applicant has filed Status Inquiries April 5, 2004, and February 1, 2006, with no reply from the Office. Since nearly two years have passed without any action on Applicant's Appeal Brief, Applicant respectfully requests the case be reassigned.

09/468,403 (GEMS8081.024)

In this case, Applicant filed a Supplemental Appeal Brief on December 16, 2003 with a Petition for Supervisory Review, which, again, was denied. Applicant did not receive a Notice of NonCompliant Appeal Brief until August 3, 2005, and then promptly filed a Response and a Supplemental Appeal Brief on August 19, 2005. MPEP §1207.02 states that “[t]he examiner should furnish the Appellant with a written statement in answer to appellant's brief within 2 months after the receipt of the brief by examiner.” Since nearly eight months have passed without any action on Applicant's Appeal Brief, Applicant respectfully requests the case be reassigned.

09/710,543 (GEMS8081.027)

In this case, Applicant filed a Pre-Appeal Brief Conference Request on August 3, 2005 along with a Notice of Appeal. As per a telephone conference between our paralegal and Examiner Rudy, the Notice of Appeal and Pre-Appeal Brief Conference Request was faxed again to Examiner Rudy on September 30, 2005. Then once more the Notice of Appeal and Pre-Appeal Brief Conference Request was faxed directly to Examiner Rudy on November 2, 2005. Applicant never did receive a Decision on the request, but received a new action mailed February 28, 2006, reopening prosecution which is nothing more than furthering additional delay. That is, in one paragraph in the Office Action, the Examiner applied a 316 page reference and merely cited to “Figs. 1-87” and “Cols. 1-321.” Even so, the Examiner still found it necessary to take Official Notice, and provide “an alternative” rejection. Applicant paid its fee and deserved a Decision from the Panel.

It is quite clear that, although Applicant has paid all of its fees associated with applying for these patents, prosecuting these patents, and filing Notices of Appeal and Appeal Briefs, that the Office is simply delaying and certainly not providing any adequate or quality examination. Accordingly, Applicant respectfully requests each of these cases be allowed or reassigned. The undersigned also notes that several calls were placed to the Group Director John Love, in the hopes of not having to file this Petition. In the two instances that the undersigned telephone calls were returned by Examiner Rudy's SPE, Mr. Alexander Kalinowski, the undersigned was assured that these issues would be looked into and a return phone call was promised. Unfortunately, the undersigned never received such a return phone call. With all do respect, Applicant simply wants a fair examination, and if reasonable minds differ, be allowed to take its case to the Board of Appeals.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



Timothy J. Ziolkowski
Registration No. 38,368
Direct Dial 262-376-5139
tjz@zpspatents.com

Dated: April 6, 2006
Attorney Docket No.: GEMS8081.024

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
14135 North Cedarburg Road
Mequon, WI 53097-1416
262-376-5170



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Transaction History

Date	Transaction Description
07-07-2003	Miscellaneous Incoming Letter
05-09-2005	IFW TSS Processing by Tech Center Complete
05-24-2004	Petition Decision - Dismissed
12-16-2003	Petition Entered
09-16-2003	Mail Non-Final Rejection
09-09-2003	Non-Final Rejection
07-21-2003	Date Forwarded to Examiner
07-07-2003	Appeal Brief Filed
06-25-2003	Notice -- Defective Appeal Brief
05-07-2003	Date Forwarded to Examiner
05-06-2003	Defective / Incomplete Appeal Brief Filed
05-06-2003	Appeal Brief Filed
03-11-2003	Notice of Appeal Filed
02-24-2003	Mail Advisory Action (PTOL - 303)
02-24-2003	Advisory Action (PTOL-303)
02-11-2003	Date Forwarded to Examiner
02-03-2003	Amendment after Final Rejection
12-03-2002	Mail Final Rejection (PTOL - 326)
12-02-2002	Final Rejection
09-17-2002	Date Forwarded to Examiner
09-16-2002	Response after Non-Final Action
07-15-2002	Mail Non-Final Rejection
07-11-2002	Non-Final Rejection
05-24-2002	Date Forwarded to Examiner
05-20-2002	Response after Non-Final Action
04-24-2002	Mail Non-Final Rejection
04-23-2002	Case Docketed to Examiner in GAU
04-22-2002	Non-Final Rejection
04-16-2002	Case Docketed to Examiner in GAU
11-06-2001	Case Docketed to Examiner in GAU

11-27-2000	Case Docketed to Examiner in GAU
06-28-2001	Case Docketed to Examiner in GAU
11-27-2000	Correspondence Address Change
10-13-2000	Case Docketed to Examiner in GAU
04-24-2000	Information Disclosure Statement (IDS) Filed
06-27-2000	Case Docketed to Examiner in GAU
05-01-2000	Application Dispatched from OIPE
05-01-2000	Application Is Now Complete
02-14-2000	Notice Mailed--Application Incomplete--Filing Date A
01-24-2000	IFW Scan & PACR Auto Security Review
02-14-2000	Preexamination Location Change
12-28-1999	Initial Exam Team nn

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09/468,403

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11-15-2000	Correspondence Address Change
10-10-2000	Case Docketed to Examiner in GAU
03-29-2000	Correspondence Address Change
02-23-2000	Information Disclosure Statement (IDS) Filed
02-29-2000	Case Docketed to Examiner in GAU
02-02-2000	Application Dispatched from OIPE
01-19-2000	IFW Scan & PACR Auto Security Review
12-27-1999	Initial Exam Team nn

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09/710,543

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Transaction History

Date	Transaction Description
02-28-2006	Mail Non-Final Rejection
02-23-2006	Non-Final Rejection
11-02-2005	Request for Appeal Conference Filed
11-02-2005	Notice of Appeal Filed
06-03-2005	Mail Final Rejection (PTOL - 326)
05-31-2005	Final Rejection
03-17-2005	Date Forwarded to Examiner
03-09-2005	Response after Non-Final Action
01-12-2005	Mail Non-Final Rejection
01-10-2005	Non-Final Rejection
11-07-2004	Date Forwarded to Examiner
10-29-2004	Response after Non-Final Action
10-19-2004	Mail Miscellaneous Communication to Applicant
10-18-2004	Miscellaneous Action with SSP
10-04-2004	IFW TSS Processing by Tech Center Complete
09-30-2004	Miscellaneous Incoming Letter
04-05-2001	Oath or Declaration Filed (Including Supplemental)
04-05-2001	Miscellaneous Incoming Letter
08-10-2004	Date Forwarded to Examiner
07-16-2004	Response after Non-Final Action
10-04-2003	Certified Translation of Foreign Priority Document
10-15-2002	Information Disclosure Statement (IDS) Filed
10-15-2002	Reference capture on IDS
07-16-2004	Workflow incoming amendment IFW
07-13-2004	Mail Non-Final Rejection
07-12-2004	Non-Final Rejection
05-06-2004	Date Forwarded to Examiner
12-16-2003	Response after Non-Final Action
04-27-2004	Petition Decision - Denied
12-16-2003	Petition Entered
10-04-2003	Mail Non-Final Rejection
09-27-2003	Non-Final Rejection

09-02-2003	Date Forwarded to Examiner
08-22-2003	Response to Election / Restriction Filed
07-28-2003	Mail Restriction Requirement
07-28-2003	Requirement for Restriction / Election
05-14-2003	Case Docketed to Examiner in GAU
04-23-2002	Case Docketed to Examiner in GAU
12-06-2001	Case Docketed to Examiner in GAU
11-26-2001	Case Docketed to Examiner in GAU
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FACSIMILE TRANSMISSION

Date: September 30, 2005

PLEASE DELIVER THE FOLLOWING PAGES:

TO: Examiner Andrew Rudy

FAX NUMBER: (571) 273-6789

FROM: Lisa J. Ehaney on behalf of Timothy J. Ziolkowski

NUMBER OF PAGES (including cover) 9

Re: U.S. Patent Application No. 09/710,543

Filing Date: November 9, 2000

Title: A METHOD OF DESIGNING AN ELECTRONIC TRANSACTION SYSTEM

Atty. Docket No. GEMS8081.027

Dear Examiner Rudy,

Further to our phone conversation today, per your instructions, I am faxing herewith our August 3, 2005 submission of a Notice of Appeal and a Pre-Appeal Brief Request for Review. Also attached is a copy of the Auto-Reply Facsimile Transmission from the PTO indicating receipt of this filing at 11:06:18am on August 3, 2005.

Please ensure that this filing is made of record in the above-captioned patent application. Also, please ensure the Deposit Account is not double charged for the filing of the Notice of Appeal.

Thank you for your assistance with this matter.

Sincerely,

Lisa Ehaney

Lisa Ehaney

Docketed by: *dje*
Date: *9-30-05*

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Date: September 30, 2005

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Filing Date: November 9, 2000

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Sincerely,

Lisa Ehaney

Lisa Ehaney

Docketed by: *JRE*
Date: *9-30-05*

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<p>Customer No. 27081 Patent Attorney Docket No. GEMS8081.024; GEMS8081.027; GEMS8081.028</p> <p>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</p> <table border="0"> <tr> <td>In re</td> <td>Application of</td> <td>Hoffleath Wezel et al</td> <td>Singh et al.</td> </tr> <tr> <td>Serial No.</td> <td></td> <td>09/468,403</td> <td>09/710,543</td> </tr> <tr> <td>Filed</td> <td></td> <td>December 20, 1999</td> <td>November 9, 2000</td> </tr> <tr> <td>For</td> <td></td> <td>Method and Apparatus for Screening Potential Customers for Transactions Across a Global Computer Network</td> <td>A Method of Designing an Electronic Transaction System</td> </tr> <tr> <td>Group Art No.</td> <td></td> <td>3627</td> <td>3627</td> </tr> <tr> <td>Examiner</td> <td></td> <td>Andrew J. Rudy</td> <td>Andrew J. Rudy</td> </tr> </table> <hr/> <p>CERTIFICATION UNDER OF CFR 1.1(e) and 1.15</p> <p>I hereby certify that, on the date shown below, this correspondence is being:</p> <p>Mailed o deposit with the US Postal Service in an envelope addressed to Comptroller, US Patent, P.O. Box 1450, Alexandria, VA 22313-1450</p> <p>37 CFR 1.8(a) o with sufficient postage or first class mail o As "Express Mail Post Office to Addressee" Mailing Label No. _____</p> <p>Transmissions o transmitted by facsimile to Pat.Nr. 571 073 8200 addressed to Group Director in the Patent and Trademark Office. Date: April 6, 2006 <u>Andrew J. Rudy</u> Signature</p> <p>Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p> <p>PETITION TO GROUP DIRECTOR TO REQUEST EXAMINER REASSIGNMENT</p> <p>Dear Sir:</p> <p>Applicant respectfully requests reassignment of the above referenced cases due to delay, action, and inadequate Examination. Each of the above referenced files are currently assigned to Mr. Andrew J. Rudy.</p>				In re	Application of	Hoffleath Wezel et al	Singh et al.	Serial No.		09/468,403	09/710,543	Filed		December 20, 1999	November 9, 2000	For		Method and Apparatus for Screening Potential Customers for Transactions Across a Global Computer Network	A Method of Designing an Electronic Transaction System	Group Art No.		3627	3627	Examiner		Andrew J. Rudy	Andrew J. Rudy
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